

*Date:* June 13, 2016  
*To:* District Administrators  
*From:* Mike Thompson, PhD, Deputy State Superintendent  
*Subject:* 2015-16 Enacted Legislation Affecting Schools

The last general business floor-period of the 2015-16 legislative session ended on April 7, 2016. Below is a summary of selected key education-related bills that were enacted in this session, as well as a link to the text of each of the acts. For a more complete summary of bills that impacted education during the 2015-16 session, please refer to [DPI's legislation page](http://dpi.wi.gov/policy-budget/legislation/current) [<http://dpi.wi.gov/policy-budget/legislation/current>].

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**2015 ACT 23:** *Off-duty law enforcement officers and former law enforcement officers going armed with firearms on or near school grounds.*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/23>)

Under 2015 Wisconsin Act 23, exceptions to the state gun-free school zones law are provided for certain off-duty, former, and out-of-state officers who satisfy specified statutory criteria. The Act also provides an exception to the state trespass law **to allow** the off-duty, former, and out-of-state officers who are exempted from the state gun-free school zones law under the Act to possess a firearm on school grounds.

**2015 ACT 37:** *Various election law changes*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/37>)

2015 Wisconsin Act 37 makes changes relating to write-in votes, municipal boards of canvassers, direct legislation, use of stickers on ballots, **school referenda**, and town or village caucuses.

For general information about elections, please see: <http://www.gab.wi.gov/elections-voting/elections>

**2015 ACT 46:** *requiring certain persons to hold certificates of food protection practices in order to operate certain school lunchrooms participating in the National School Lunch Program.*  
(<http://docs.legis.wisconsin.gov/2015/related/lcactmemo/act046>)

The Act **prohibits** any person from conducting, maintaining, managing, or operating a school lunchroom that is participating in the national school lunch program and provides

food directly, unless the operator or manager of the lunchroom, or his or her designee, holds a certificate of food protection practices.

For more information on food protection practices certification, see Department of Health Services webpage: <https://www.dhs.wisconsin.gov/fsrl/certificates.htm>

**2015 ACT 52:** *Methods a school attendance officer may use to notify parents and guardians that their children are truant.* (<http://docs.legis.wisconsin.gov/2015/related/acts/52>)

Under Act 52, a school attendance officer **is allowed** to provide notice to a parent or guardian by **1st class mail**. The Act also allows an attendance officer to simultaneously notify the parent or guardian of a habitually truant student by an electronic communication. Prior law required the attendance officer to provide notice by registered or certified mail.

**2015 ACT 53:** *Achievement gap reduction (AGR) contracts requiring participating schools to implement strategies for improving academic performance of low-income pupils in reading and mathematics, granting rule-making authority, and making an appropriation.* (<http://docs.legis.wisconsin.gov/2015/related/acts/53>)

Act 53 created a new categorical aid program (AGR) that replaces the current law SAGE program. The AGR program provides funding to participating schools for each eligible low-income student in a K-3 grade level that meets requirements under a contract with DPI. The AGR program requires a school to meet its obligations under the contract by using one of three strategies, or a combination of these strategies:

1. One-to-one tutoring provided by a licensed teacher;
2. Instructional coaching for teachers provided by a licensed teacher; or
3. Maintaining 18:1 or 30:2 classroom ratios and providing professional development on small group instruction.

Unlike SAGE, the new program does not condition funding on maintaining an 18:1 or 30:2 ratio in every classroom in all participating grade levels.

The AGR program **requires** that a school set performance objectives that include reducing the achievement gap for low-income pupils in math and reading, and that the school specify the formative and summative assessments it will use to evaluate success attaining these objectives. Schools participating in AGR must report their objectives and their success in attaining them to the school board each semester. Neither of these requirements existed under the prior SAGE program.

Under Act 53, DPI is allowed to provide a one-year extension on existing SAGE contracts set to expire at the end of the 2014-15 school year. Under this Act, SAGE contracts become nonrenewable, but schools currently participating in SAGE can choose to enter an AGR contract. Act 53 **does not authorize** any AGR contracts for schools **not currently participating** in SAGE.

**2015 ACT 71:** *The Achievement Gap Reduction (AGR) program*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/71>)

Act 71 **clarifies** that an AGR contract must require a school board to implement one or more of the three allowable strategies in each class in each participating grade at each participating school.

**2015 ACT 92:** *Allowing a school board member to serve as a volunteer coach or extracurricular activity supervisor.* (<http://docs.legis.wisconsin.gov/2015/related/acts/92>)

Under Act 92, a school board member **may** also hold a position as a volunteer coach or as an extracurricular activity supervisor if the following conditions are met: (1) the school board member is not compensated for serving as a coach or activity supervisor; (2) the school board member abstains from voting on any issue that substantially and directly relates to the activity coached or supervised; and (3) the school board member completes a criminal background check. Under the Act, a school board member who serves as a volunteer coach or extracurricular activity supervisor may vote on the school district's annual budget.

**2015 ACT 123:** *Commercial driver licenses*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/123>)

Under Act 123, changes are made to the criteria in which certain offenses constitute revocation or disqualification of a Commercial Driver's License (CDL). Because school bus drivers are expected to obtain CDL licensure in Wisconsin, employees that operate a bus for the purpose of transporting K-12 pupils will be expected to be cognizant of the new provisions, such as prohibitions on the use of a cellular or wireless telephone while operating a commercial motor vehicle (CMV) which are classified as a serious traffic violation. Applicants for a CDL receiving an instruction permit must also be aware of the changes in the period for an instruction permit to operate school buses from 6 months to 180 days.

The Act's provisions related to CDL drivers with diabetes took effect on April 1, 2016. Those provisions specify that a person is ineligible for a restricted CDL because the person has diabetes that requires insulin for control only if, within the past three years, the person has had any moving violation or reportable at-fault accident due to diabetes while operating any motor vehicle. The Act also **prohibits** DOT from establishing a more restrictive eligibility standard relating to these provisions. Under this provision of the Act, a person who has diabetes that requires insulin for control would **only** be eligible to receive a restricted CDL that authorizes a person to operate a CMV only within the state.

**2015 ACT 161:** *Disclosure of pupil records that are pertinent to addressing a pupil's educational needs to the Department of Children and Families, a county department of human services or social services, or a tribal organization that is legally responsible for the care and protection of the pupil.* (<http://docs.legis.wisconsin.gov/2015/related/acts/161>)

Under this bill, the DPI may enter into a memorandum of understanding with the Department of Children and Families (DCF) that permits the DPI to disclose information contained in

pupil records, as defined in [s. 118.125 \(1\) \(d\)](#), that is pertinent to addressing a pupil's educational needs to a caseworker or other representative of DCF, a county department under s. 46.215, 46.22, or 46.23, or a tribal organization, as defined in 25 USC 450b (L), that is legally responsible for the care and protection of the pupil, if that caseworker or other representative is authorized by that department, county department, or tribal organization to access the pupil's case plan.

**2015 ACT 212:** *Independent financial audits of private schools participating in a parental choice program, a civics exam as a condition for obtaining a high school diploma, and factors for determining school and school district performance on the school and school district accountability report.* <http://docs.legis.wisconsin.gov/2015/related/acts/212>

2015 Wisconsin Act 212 makes technical corrections to mathematical formulas used for school report cards in the school and school district accountability system. Secondly, it alters procedures for independent financial audits of private schools participating in any of the State's three parental choice program. Lastly, it individualizes the state civics exam requirements as applied to students with disabilities.

Under Act 212 provisions relating to civics exams, for a pupil with a disability, the pupil's **Individualized Educational Program (IEP)** (or a Services Plan, for pupils who are parentally placed in a private school) determines whether it is appropriate to administer the civics exam to the child, and, if appropriate, any accommodations that are necessary. A school may not condition graduation upon completion of the civics exam for pupils with disabilities.

**2015 ACT 228:** *A student safety incident tracking pilot program for school districts.* <http://docs.legis.wisconsin.gov/2015/related/acts/228>

Under this Act, DPI is **required** to develop a one-year pilot tracking program to operate in three school districts during the 2016-17 school year. The three school districts **must** include: (1) a school district with fewer than 3,000 pupils; (2) a school district with 3,000 to 6,999 pupils; and (3) a school district with 7,000 pupils or more. DPI **must** establish the procedures by which a school district may apply to participate in the pilot program. School district participation is **voluntary**.

This Act **requires** a school district participating in the pilot program to comply with recordkeeping and reporting requirements regarding particular incidents, including that the school district **must** maintain a record of the following events that occur on property owned or leased by the school district, on transportation provided by the school, or at a school district sanctioned event:

- A crime.
- A violation of state or federal criminal law that results in a referral for a proceeding under subch. V of Ch. 938, Stats. (Juvenile proceeding).
- A violation of an ordinance enacted by a city, village, town, or county.
- An incidence of either: (1) harassment that involves a pupil; or (2) bullying that involves a pupil.

The record keeping requirement does apply to incidents that are reported anonymously to the school district.

The records maintained by the school district **must** include details related to each incident, to the extent known by the school district, including: (a) the time, date, location, and nature of the incident; (b) the age and identity of each individual involved in the incident; (c) any referrals to or involvement of other state or local agencies; and (d) the result of any proceeding related to the incident. However, before releasing a record (or portion of a record) maintained by the school district, the participating school district **must** omit or redact all personally identifiable information from a record or portion of a record.

#### Reporting Requirements (School Districts)

The Act **requires** a participating school district to submit the following two reports to DPI that include aggregate data derived from the maintained incident records:

- By January 31, 2017, a report of incidents occurring during the six-month period from July 1, 2016 to December 31, 2016.
- By July 31, 2017, a report of incidents occurring during the year from July 1, 2016 to June 30, 2017.

The reports to DPI **may not** include the identity of any individual involved in an incident included in the school district's records.

#### Reports to the Legislature (Department)

The Act requires DPI to make the following two reports to the Legislature regarding the aggregate incident data DPI receives from participating school districts:

- By February 15, 2017, a report of the aggregate data compiled from the first reports submitted by participating school districts.
- By August 15, 2017, a report of the aggregate data compiled from the second reports submitted by participating school districts.

#### **2015 ACT 259:** *Licenses to teach vocational education subjects.*

(<http://docs.legis.wisconsin.gov/2015/related/acts/259>)

This bill requires the Department to grant an initial teaching license to teach a **vocational education subject** to an individual who scores at least 100 points on the point system described in state law (experienced based vocational education subjects). As previously established by 2015 WI Act 55 for experienced-based technical education subjects, at least 25 points must come from experience in a technical field and at least 25 points for pedagogical experience under that point system specified in state law. The applicant must also agree to complete during the term of the license a curriculum determined by the school board of the school district in which the individual will teach.

For more information on Experienced-based License in Technical and Vocational Education Subjects, please see the Department's website, at: <http://dpi.wi.gov/tepd/pathways/experience-based-technical-vocational-subjects>

**2015 ACT 280:** *Grants for participation in robotics competitions and making an appropriation.*  
<http://docs.legis.wisconsin.gov/2015/related/acts/280>

Under Act 280, the Department is authorized to award grants to high school student teams to fund participation in robotics competitions. The Act appropriates \$250,000 for the grants. The grant program ends after the 2016-17 school year. In order to be eligible for a grant, an applicant **must** demonstrate that the applicant will provide matching funds.

**2015 ACT 289:** *special needs scholarship program and the revenue limit adjustment for school districts with incoming choice pupils.*  
<http://docs.legis.wisconsin.gov/2015/related/acts/289>

Act 289 makes changes to the mechanism for accounting for "incoming choice pupils" (those who began participation in either the Racine or Wisconsin parental choice programs in 2015-16 or after) within the district's revenue limit calculation. 2015 Act 55 created a revenue limit exemption equal to the district's revenue limit per member, multiplied by the number of incoming choice pupils who are residents of the school district. In this manner, the school district is able to capture levy authority for the incoming choice pupil(s), on whose behalf the resident school district must make payment to the private school attended by the pupil(s) under the parental choice program. **Under Act 289, the revenue limit exemption is equal to the actual payment that is to be made to private schools on behalf of the incoming choice pupils who are residents of the school district.** This is first effective for the revenue limit calculation for the 2016-17 school year.

Act 289 also makes modifications to the current law special needs scholarship program language to clarify program requirements. For more information on the special needs scholarship program, please see the Department's web site: <http://dpi.wi.gov/sms/special-needs-scholarship>

**2015 ACT 294:** *Mental health services in schools.*  
<http://docs.legis.wisconsin.gov/2015/related/acts/294>

Under Act 294, the Department of Health Services (DHS) **is required** to provide reimbursement under the Medical Assistance program to licensed treatment professionals for mental health services provided at a school, to the extent federal law allows such reimbursement, **regardless** of whether the school site is designated as a clinic office and **regardless** of whether the licensed treatment professional is employed by, a contractor of, or affiliated with a clinic.

**2015 ACT 305:** *Sparsity aid.* (<http://docs.legis.wisconsin.gov/2015/related/acts/305>)

Under Act 305, the membership cap for receiving sparsity aid is **increased** from 725 to 745 members. The cap increase first applies to eligibility for Sparsity Aid in the 2016-17 school year. Act 305 also created a second round of eligibility determination, whereby a school district that had received Sparsity Aid in the prior year but became ineligible to received



Sparsity Aid in the current year due to exceeding the membership cap, could receive Sparsity Aid, if the appropriation had not been completely encumbered under the initial eligibility determination.

**2015 ACT 338:** *School and school district accountability report.*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/338>)

Act 338, **requires** any public school that maintains a website to post a prominent link to its most recent accountability report, published under s. 115.385, Stats., on the school website within 30 days after the report is released by the Department of Public Instruction. The requirement applies to any public school, including a charter school, and to any private school participating in a parental choice program. The requirement became effective on **April 1, 2016**. The Department is prohibited from issuing school and district report cards for the 2014-15 school year; therefore, the first report cards for which this new requirement will apply will be for the 2015-16 school year report cards, which will be published by the Department in fall 2016.

**2015 ACT 359:** *Teacher loan program* (<http://docs.legis.wisconsin.gov/2015/related/acts/359>)

Act 359 **expands** the potential for loan forgiveness to loan recipients who are employed full-time in school districts in rural counties as public and private elementary and secondary school teachers in high-demand teacher shortage fields. Under the Act, a county is rural if: (1) it does not include an urbanized area; (2) fewer than 25% of its residents are employed in another county that includes an urbanized area; and (3) fewer than 25% of the people employed in the county reside in another county that includes an urbanized area. Act 359 took effect on **April 16, 2016**, and first applies to loan recipients whose employment as a full-time teacher begins on or after that date. This loan program is administered by the Wisconsin Higher Educational Aids Board.

**2015 ACT 390:** *Providing lifesaving skills instruction to pupils.*  
(<http://docs.legis.wisconsin.gov/2015/related/acts/390>)

Act 390 **expands** all of the current law of instructional requirements for certain lifesaving skills provided in schools, beginning in the 2017-18 school year, to each school that operates **any** grade from **7 to 12**. The Act specifies that such schools provide instruction in CPR and CCR in any health education course offered to pupils in grades 7 to 12.

The Act also **requires** that instruction about automated external defibrillators be provided to pupils enrolled in grades 7 to 12 in the school. The Act generally takes effect on **April 28, 2016**, except that the expanded instructional requirements first apply to the 2017-18 school year and take effect on **July 1, 2017**.

Thank you for your dedication to Wisconsin's students. The Department looks forward to assisting your districts in implementing these new pieces of legislation. If you have further questions on any of these acts, please contact me.